

Express Mail Label No.:  
Date of Deposit:

Attorney Docket No. 00960-569 NATL  
(CBM-69 NATL)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Charette *et al.*  
ASSIGNEE: Creative BioMolecules, Inc.  
SERIAL NUMBER: 09/509,648 EXAMINER: Not Yet Assigned  
FILING DATE: March 30, 2000 ART UNIT: Not Yet Assigned  
FOR: ENHANCEMENT OF MORPHOGEN ACTIVITY

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

**CREATIVE BIOMOLECULES, INC.  
45 South Street  
Hopkinton, MA 01748**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above;  
☒ the application identified above; or  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

APPLICANTS:  
U.S.S.N.:

Charette  
09/509,64

Each person, concern, or organization having any rights in the invention is listed below:



no such person, concern, or organization exists.



each such person, concern, or organization is listed below: ♦

♦ Note: Separate Statements Claiming Small Entity Status are required from each named person, concern, or organization having rights to the invention. 37 C.F.R. § 1.27.

Full Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Non-profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. § 1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: Cheryl Lawton

Title in organization of person signing: Vice President, General Counsel

Address of person signing: Creative BioMolecules, Inc.  
45 South Street  
Hopkinton, MA 01748

Signature: Cheryl Lawton

Date: July 20, 2000

TRADOCs:1353346.1(T08Y01!.DOC)

**As a below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

## ENHANCEMENT OF MORPHOGEN ACTIVITY

the specification of which:

- ☒ was filed on March 30, 2000, as United States non-provisional application U.S.S.N. 09/509,648, bearing Attorney Docket No. 00960-569, the U.S. national phase of PCT US98/22655, filed October 22, 1998.
- ☐ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☐ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

[illegible]



I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned, Expired)</i>
60/063,624	27 October 1997	Expired

PCT International Applications designating the United States:

<b>PCT International Application No.</b>	<b>Filing Date</b>	<b>Status</b>
US98/22655	26 October 1998	Published

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney or Agent</b>	<b>Registration No.</b>	<b>Attorney or Agent</b>	<b>Registration No.</b>
Kevin Ainsworth	<u>39,586</u>	Kristin E. Konzak	<u>44,848</u>
Ingrid Beattie	<u>42,306</u>	Cynthia Kozakiewicz	<u>42,764</u>
David B. Bernstein	<u>32,112</u>	Barry Marenberg	<u>40,715</u>
Naomi Biswas	<u>38,384</u>	William Marino	<u>44,219</u>
David F. Crosby	<u>36,400</u>	Leslie Meyer-Leon	<u>37,381</u>
James G. Cullem	<u>43,569</u>	A. Jason Mirabito	<u>28,161</u>
Brett N. Dorny	<u>35,860</u>	Michel Morency	<u>Limited Recognition</u>
Marianne Downing	<u>42,870</u>	Bradley Olson	<u>40,750</u>
Ivor R. Elrifi	<u>39,529</u>	Carol H. Peters	<u>45,010</u>
Heidi A. Erlacher	<u>45,409</u>	John T. Prince	<u>43,091</u>
Christina Gadiano	<u>37,628</u>	Michael Renaud	<u>44,299</u>
John A. Harre	<u>37,345</u>	Brian Rosenbloom	<u>41,276</u>
Shane Hunter	<u>41,858</u>	Thomas M. Sullivan	<u>39,392</u>
David E. Johnson	<u>41,874</u>	Howard Susser	<u>33,556</u>
Kris Kalidindi	<u>41,461</u>	Shelby J. Walker	<u>45,192</u>
Christina Karnakis	<u>45,899</u>	Martin M. Zoltick	<u>35,745</u>
Robert Klauzinski	<u>42,742</u>		

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.

Address all correspondence to:

Ivor R. Elrifi  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Inventor's Signature

7/24/00

Date

Full Name of Inventor: Mark F. Charette

Citizenship: U.S.A.

Residence: 18 Ellicot Street, Needham, MA 02192

Post Office Address: 18 Ellicot Street, Needham, MA 02192

MA

Inventor's Signature

Date

Full Name of Inventor: David C. Rueger

Citizenship: U.S.A.

Residence: 81 Pine Hill Road, Southborough, MA 01772

Post Office Address: 81 Pine Hill Road, Southborough, MA 01772

MA

Inventor's Signature

Date

Full Name of Inventor: Dennis Higgins

Citizenship: U.S.A.

Residence: 56 Hilton Boulevard, Amherst, New York 14226

Post Office Address: 56 Hilton Boulevard, Amherst, New York 14226

NY

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

## ENHANCEMENT OF MORPHOGEN ACTIVITY

the specification of which:

- ☒ was filed on March 30, 2000, as United States non-provisional application U.S.S.N. 09/509,648, bearing Attorney Docket No. 00960-569, the U.S. national phase of PCT US98/22655, filed October 22, 1998.
- ☐ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☐ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

[illegible]



I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned, Expired)</i>
60/063,624	27 October 1997	Expired

PCT International Applications designating the United States:

<b>PCT International Application No.</b>	<b>Filing Date</b>	<b>Status</b>
US98/22655	26 October 1998	Published

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney or Agent</b>	<b>Registration No.</b>	<b>Attorney or Agent</b>	<b>Registration No.</b>
Kevin Ainsworth	39,586	Kristin E. Konzak	44,848
Ingrid Beattie	42,306	Cynthia Kozakiewicz	42,764
David B. Bernstein	32,112	Barry Marenberg	40,715
Naomi Biswas	38,384	William Marino	44,219
David F. Crosby	36,400	Leslie Meyer-Leon	37,381
James G. Cullem	43,569	A. Jason Mirabito	28,161
Brett N. Dorny	35,860	Michel Morency	Limited Recognition
Marianne Downing	42,870	Bradley Olson	40,750
Ivor R. Elrifi	39,529	Carol H. Peters	45,010
Heidi A. Erlacher	45,409	John T. Prince	43,091
Christina Gadiano	37,628	Michael Renaud	44,299
John A. Harre	37,345	Brian Rosenbloom	41,276
Shane Hunter	41,858	Thomas M. Sullivan	39,392
David E. Johnson	41,874	Howard Susser	33,556
Kris Kalidindi	41,461	Shelby J. Walker	45,192
Christina Karnakis	45,899	Martin M. Zoltick	35,745
Robert Klauzinski	42,742		

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

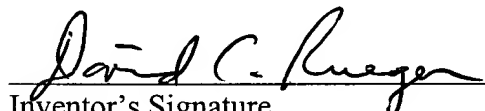
Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.  
Address all correspondence to:

Ivor R. Elrifi  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Inventor's Signature  
Full Name of Inventor: Mark F. Charette  
Citizenship: U.S.A.  
Residence: 18 Ellicot Street, Needham, MA 02192  
Post Office Address: 18 Ellicot Street, Needham, MA 02192

Date

  
Inventor's Signature  
Full Name of Inventor: David C. Rueger  
Citizenship: U.S.A.  
Residence: 81 Pine Hill Road, Southborough, MA 01772  
Post Office Address: 81 Pine Hill Road, Southborough, MA 01772

9-29-00

Date

Inventor's Signature  
Full Name of Inventor: Dennis Higgins  
Citizenship: U.S.A.  
Residence: 56 Hilton Boulevard, Amherst, New York 14226  
Post Office Address: 56 Hilton Boulevard, Amherst, New York 14226

Date

TRADOCS:1339191.1(SPBR01!.DOC)



Attorney's Docket No. 00960-569 NATL  
(CBM-69 NATL)

[illegible]

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<b>Application No.</b> <i>(U.S.S.N.)</i>	<b>Filing Date</b> <i>(dd/mm/yy)</i>	<b>Status</b> <i>(Patented, Pending, Abandoned, Expired)</i>
60/063,624	27 October 1997	Expired

PCT International Applications designating the United States:

<b>PCT International Application No.</b>	<b>Filing Date</b>	<b>Status</b>
US98/22655	26 October 1998	Published

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<b>Attorney or Agent</b>	<b>Registration No.</b>	<b>Attorney or Agent</b>	<b>Registration No.</b>
Kevin Ainsworth	39,586	Kristin E. Konzak	44,848
Ingrid Beattie	42,306	Cynthia Kozakiewicz	42,764
David B. Bernstein	32,112	Barry Marenberg	40,715
Naomi Biswas	38,384	William Marino	44,219
David F. Crosby	36,400	Leslie Meyer-Leon	37,381
James G. Cullem	43,569	A. Jason Mirabito	28,161
Brett N. Dorny	35,860	Michel Morency	Limited Recognition
Marianne Downing	42,870	Bradley Olson	40,750
Ivor R. Elrifi	39,529	Carol H. Peters	45,010
Heidi A. Erlacher	45,409	John T. Prince	43,091
Christina Gadiano	37,628	Michael Renaud	44,299
John A. Harre	37,345	Brian Rosenbloom	41,276
Shane Hunter	41,858	Thomas M. Sullivan	39,392
David E. Johnson	41,874	Howard Susser	33,556
Kris Kalidindi	41,461	Shelby J. Walker	45,192
Christina Karnakis	45,899	Martin M. Zoltick	35,745
Robert Klauzinski	42,742		

all of MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO PC, One Financial Center, Boston, Massachusetts 02111, as Applicant's attorneys with full power of substitution and revocation to take any and all action necessary with regard to the above-identified patent.

Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.  
Address all correspondence to:

Ivor R. Elrifi  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
One Financial Center  
Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Mark F. Charette

Citizenship: U.S.A.

Residence: 18 Ellicot Street, Needham, MA 02192

Post Office Address: 18 Ellicot Street, Needham, MA 02192

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: David C. Rueger

Citizenship: U.S.A.

Residence: 81 Pine Hill Road, Southborough, MA 01772

Post Office Address: 81 Pine Hill Road, Southborough, MA 01772

\_\_\_\_\_  
Inventor's Signature

\_\_\_\_\_  
Date

Full Name of Inventor: Dennis Higgins

Citizenship: U.S.A.

Residence: 56 Hilton Boulevard, Amherst, New York 14226

Post Office Address: 56 Hilton Boulevard, Amherst, New York 14226

TRADOCS:1339191.1(SPBR01!.DOC)